

### **REMARKS**

The Office Action dated April 18, 2006, has been received and carefully noted. The above amendments to claims 1-7, 9, and 10 and the following remarks are submitted as a full and complete response thereto. Claims 1-7, 9, and 10 are amended to improve clarity and antecedent support of the features recited therein. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-7 and 9-13 stand rejected and pending and under consideration.

### **REJECTION UNDER 35 U.S.C. § 102:**

*In the Office Action, claims 1-3, 6-7, and 9 were rejected under 35 U.S.C. § 102 as being unpatentable over U.S. Patent No. 6,799,197 to Shetty et al. ("Shetty"). The Office Action took the position that Shetty discloses all the aspects of claims 1-3, 6-7, and 9. The rejection is traversed and reconsideration is requested.*

Independent claim 1, upon which claims 2-9 are dependent, recites a method of updating a virus signature database used by anti-virus software operating on a mobile wireless platform, including sending a virus update request to a network server to identify to the network server updates required by the mobile wireless platform. Upon receipt of the request at the network server, the method uses information in the request to identify virus signatures required by said virus signature database; and sends the identified virus signatures via a signaling channel of a mobile telecommunications network to the mobile wireless platform.

As will be discussed below, Shetty fails to disclose or suggest the elements of any of the presently pending claims.

Shetty generally describes a system and a method for using a public network, such as the Internet, or e-mail systems to set policy for and to manage software on a plurality of client computers by sending packages of information between a Policy Orchestrator ("PO") Server and one or more of the client computers that contain software known as Policy Orchestrating Agents ("PO Agents"). See column 2, lines 37-52. The PO Server and the PO Agents communicate with each other over a public network, or e-mail, with the aid of a secure communication path known as an SPIPE 4. The SPIPE 4 is a virtual communications pipe that employs standard data transmission lines, such as telephone lines, cable lines, T1 lines, satellite links, cellular phone systems, and other standard data transmission links. See column 5, lines 3-15. The SPIPE 4 provides a secure means for transmitting packages 10 of information between PO Servers and PO Agents.

To send an instruction to the PO Agent, a PO Server 1 may Ping the PO Agent. Typically, the PO Server 1 would ping the PO Agent with an instruction for the PO Agent to get a new policy. See column 9, line 60, to column 10, line 23.

The system architecture of Shetty may be conceptualized as two broad categories: A package maintenance layer and a communication layer. See column 8, lines 13-29. The package maintenance layer of Shetty includes creating a package, authenticating a package, getting a package from the PO Server, and sending a package to the PO Server. Shetty defines a package as a collection of files or data that is authenticated and

transferred. Updated virus scanning DAT files may be sent to every client on a network. Rather than creating a separate package containing the DAT files for each client, in Shetty, the DAT files could be dynamically loaded into packages from the LDAP database and sent to each Agent on each client.

However, Shetty fails to teach or suggest, at least, “upon receipt of the request at the network server, using information in the request to identify virus signatures required by said virus signature database,” as recited in independent claim 1. Shetty does not identify the particular virus signatures required by a database. Shetty clearly explains that entire updated virus scanning DAT files are sent to every client on a network. See column 8, lines 23-26. Thus, instead of being able to use a relatively small bandwidth for a signaling channel (Short Message Service (SMS) or Unstructured Supplementary Services Data (USSD)) to carry updates, Shetty sends entire DAT files. Shetty uses a conventional approach of sending entire files rather than updating only some of the signatures in a virus signature database. Furthermore, Shetty does not teach or suggest that upon receipt of a request at the network server, information in the request is used “to identify virus signatures required by said virus signature database,” as recited in independent claim 1. Shetty is devoid of any teaching or suggestion providing such feature recited in independent claim 1.

Furthermore, Shetty fails to teach or suggest, “sending the identified virus signatures via a signaling channel of a mobile telecommunications network to the mobile wireless platform,” as recited in independent claim 1. Although in Shetty a Wireless

Access Protocol (WAP) may be used to update mobile clients (laptops and PDAs) with virus signatures and software, contrary to the contentions made in the Office Action, WAP is not a signaling channel. As described in Shetty, WAP is a protocol. Specifically, WAP is a high level set of protocols which can use any one of a number of data transport channels. Typically, WAP data is transported in a GPRS (or other packet switched) data channel, not a signaling channel.

Thus, although Shetty describes that a secure pipe may be established over a public network or e-mail system using HTTP, SMTP, MAPI, and WAP protocols, Shetty does not teach or suggest that identified virus signatures are sent via a signaling channel of a mobile telecommunications network.

Accordingly, Shetty fails to anticipate all the recitations of independent claim 1. In view of the foregoing, it is respectfully requested that the rejection of independent claim 1 and related dependent claims 2, 3, 6, 7, and 9 be withdrawn.

**REJECTION UNDER 35 U.S.C. § 103:**

*In the Office Action, claims 4 and 10 were rejected under 35 U.S.C. § 103 as being unpatentable over Shetty in view of U.S. Patent No. 6,560,456 to Lohtia et al. ("Lohtia"). The Office Action took the position that Shetty and Lohtia disclose all the aspects of claims 4 and 10. The rejection is traversed and reconsideration is requested.*

Independent claim 10 recites a method of protecting a wireless device against viruses including maintaining a database of virus signatures on the device, updating the database by receiving data containing virus signatures in one or more Short Message Service (SMS) or Unstructured Supplementary Services Data (USSD) messages, searching for virus signatures contained in the database, and sending virus update requests to the network server to identify to a network server updates required by a mobile wireless platform.

Dependent claim 4 depends from independent claim 1 and recites the additional features of “carrying the update data by one or more Short Message Service (SMS) messages.” Because the combination of Shetty and Lohtia must teach, individually or combined, all the recitations of the base claim and any intervening claims of dependent claim 4, the arguments presented above supporting the patentability of independent claim 1 over Shetty are incorporated herein.

Shetty is described above. Lohtia generally describes a system and method to receive requested information via Short Message Service (SMS) or microbrowser message using dialed digits or SMS origination as the trigger. See column 3, lines 12-15. Subscribers initiate the trigger by entering a preselected feature code, telephone number or SMS origination message on their handsets. According to Lohtia, an SMS origination message may act as a trigger to cause information to be sent to the wireless device via the SMS or microbrowser messages. See column 2, lines 19-21. However, similarly to Shetty, Lohtia does not teach or suggest that “upon receipt of the request at the network

server,” the method uses “information in the request to identify virus signatures required by said virus signature database,” as recited in independent claim 1. Lohtia is devoid of any teaching providing such recitations.

Accordingly, Lohtia does not remedy the deficiencies of Shetty, and the combination of Shetty and Lohtia does not disclose or suggest at least the feature of “upon receipt of the request at the network server, using information in the request to identify virus signatures required by said virus signature database; and sending the identified virus signatures via a signaling channel of a mobile telecommunications network to the mobile wireless platform” as recited in independent claim 1. Thus, it is respectfully requested that the rejection of claim 4 be withdrawn.

Applicants also respectfully submit that there is no motivation to combine Shetty and Lohtia. The basis the Office Action suggested is “so that wireless subscribers are provided with the capability to request particular types of messages at any time (Lohtia: column 1, lines 37-39), without requiring an update or modification to the existing Mobile Switching Center (MSC) software (Lohtia, column 1, lines 4-42).” However, such reasoning is insufficient to motivate a person of ordinary skill in the art to arrive to the particular recitations of the present invention providing, at least, that upon receipt of the request at the network server, using information in the request to identify virus signatures required by said virus signature database, and sending the identified virus signatures via a signaling channel of a mobile telecommunications network to the mobile wireless platform. In particular, a person of ordinary skill in the art would have

dismissed Lohtia as unsuitable given that it is well known that SMS messages can carry a payload of only a few hundred bytes.

To establish a *prima facie* case in any 35 U.S.C. 103 case, it is essential that Office personnel find some motivation or suggestion to make the claimed invention in light of the prior art teachings. *See, e.g., In re Brouwer*, 77 F.3d 422, 425, 37 USPQ2d 1663, 1666 (Fed. Cir. 1996) and MPEP 2144.08. The Office Action does not provide sufficient motivation to combine the references, and accordingly fails to provide a *prima facie* case for obviousness. As MPEP Section 2143.01 indicates, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Accordingly, it is respectfully requested that this rejection be withdrawn.

Regarding independent claim 10, the Office Action refers to column 10, lines 42-67 of Shetty as describing the recitations of independent claim 10, except for the recitation of independent claim 10 providing, “updating the database by receiving data containing virus signatures in one or more Short Message Service (SMS) or Unstructured Supplementary Services Data (USSD) messages.” However, the referred portion of Shetty also fails to teach or suggest, “searching for virus signatures contained in the database; sending virus update requests to a network server to identify to the network server updates required by the mobile wireless platform,” as recited in independent claim 10. Shetty limits its description to providing that the virus software can be updated

frequently, as the check-in frequency of the virus software increases so does the bandwidth requirement for the network, a PO Agent sending its Globally Unique Identifier (GUID) to the PO Server 1, and if there is a GUID in the LDAP database 2 that matches the GUID of the checking-in PO Agent, a new policy corresponding to that GUID is sent to the PO Agent. However, contrary to the contentions made in the Office Action, Shetty does not describe that during the routine check-in, virus signatures contained in the database are searched for and virus update requests are sent to a network server “to identify to the network server updates required by a mobile wireless platform,” as recited in independent claim 10.

Furthermore, for similar reasons as those presented supporting the patentability of independent claim 1, a person of ordinary skill in the art would have dismissed Lohtia as unsuitable given that it is well known that SMS messages can carry a payload of only a few hundred bytes and Shetty requires large packages to be sent. Thus, Lohtia does not remedy the deficiencies of Shetty. Shetty and Lohtia would fail to teach or suggest all the recitations of independent claim 10 and dependent claim 4.

It is respectfully requested that the rejections to these claims be withdrawn.

*In the Office Action, claim 3 was rejected under 35 U.S.C. § 103 as being unpatentable over Shetty in view of U.S. Patent No. 6,192,237 to Clapton et al. (“Clapton”). The Office Action took the position that Shetty and Clapton disclose all the*



*aspects of dependent claim 3. The rejection is traversed and reconsideration is requested.*

Dependent claim 3 depends from independent claim 1 and recites the additional features of “configuring the network as Global System for Mobile Communications (GSM) or enhanced GSM network.” Because the combination of Shetty and Clapton must teach, individually or combined, all the recitations of the base claim and any intervening claims of dependent claim 3, the arguments presented above supporting the patentability of independent claim 1 over Shetty are incorporated herein.

Shetty is described above. Clapton generally describes allowing a user of a mobile telephone 11 to use intelligent network (IN) services specific to his home network. According to Clapton, when a user makes an outgoing call attempt, the associated signaling is transmitted over a signaling channel (step 1). See column 5, lines 1-5. The user can be connected through an MSC 13 of a system other than his home system (a process known as “roaming”).

However, similarly to Shetty, Clapton does not teach or suggest that “upon receipt of the request at the network server,” the method uses “information in the request to identify virus signatures required by said virus signature database,” as recited in independent claim 1. Clapton does not provide any teaching of such recitations and, accordingly, does not cure the deficiencies of Shetty.

Further, Clapton simply indicates that outgoing calls from the user are transmitted over the signaling channel, without any teaching or suggestion of “sending the identified

virus signatures via a signaling channel of a mobile telecommunications network to the mobile wireless platform,” as recited in independent claim 1.

In view of the foregoing, it is respectfully asserted that Shetty and Clapton, individually or combined, fail to teach or suggest all of the recitations of independent claim 1, and, accordingly, dependent claim 3. It is respectfully requested that independent claim 1 and related dependent claim 3 be allowed.

*In the Office Action, claims 11-13 were rejected under 35 U.S.C. § 103 as being unpatentable over Shetty in view of Lohtia and further in view of U.S. Patent Publication No. 2002/0168111 to Latva-Aho (“Latva-Aho”). The Office Action took the position that Shetty, Lohtia, and Latva-Aho disclose all the aspects of independent claim 11 and related dependent claims 12-13. The rejection is traversed and reconsideration is requested.*

Independent claim 11, upon which claims 12-13 are dependent, recites a method for a mobile wireless platform includes sending a message from a mobile station to an anti-virus server, wherein the message indicates virus signatures stored in the mobile station. The method also includes in response to the message from the mobile station, generating concatenated return messages at the anti-virus server including virus signatures different from the virus signatures stored in the mobile station. The method sends the concatenated return messages from the anti-virus server to the mobile station to update the virus signatures stored in the mobile station.

Shetty and Lohtia are described above. The Office Action correctly recognized that Shetty and Lohtia are silent as to teaching a generation of concatenated return messages at the anti-virus server. Accordingly, the office action relied on Latva-Aho as providing for such claimed recitations.

Latva-Aho generally describes a method for image processing, where the image is compressed, quantized using a matrix, and coded using a coding matrix. The method described in Latva-Aho may also be employed for image transmission in a mobile communication network by using short messages (SMS, Short Message Service). According to the office action, Latva-Aho cures the deficiencies of Shetty and Lohtia because it provides that a large amount of information may be transmitted using C-SMS (Concatenated Short Messages). See paragraph [0053].

Nonetheless, the transmission of a large amount of information may be transmitted using C-SMS as provided in Latva-Aho, does not cure the deficiencies of Shetty and Lohtia. A combination of Shetty, Lohtia, and Latva-Aho would not provide the particular recitations of independent claim 11 reciting, “in response to the message from the mobile station, generating concatenated return messages at the anti-virus server including virus signatures different from the virus signatures stored in the mobile station.” Although Latva-Aho describes concatenation of short messages, a combination of such concatenation with the descriptions of Shetty and Lohtia would still be insufficient to arrived to the referred recitations of claim 11. The combination of Shetty, Lohtia, and Latva-Aho would not provide that in response from a message from a mobile station, a

server would generate concatenated return messages including virus signatures different from the virus signatures stored in the mobile station.

Providing a concatenation of images of Latva-Aho and the method to administer software to a plurality of clients of Shetty and the providing information over SMS of Lohtia does not teach or suggest all the claimed recitations of independent claim 11.

Nothing in any of the references cited suggests or supports the purported combination of the references set forth in the Office Action. It is submitted that the reason why no such showing was made is because the prior art of record individually or combined, fail to teach, suggest, or otherwise provide the motivation needed to make such a modification. "To support the conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination. It is to be noted that simplicity and hindsight are not proper criteria for resolving the issue of obviousness." *Ex Parte Clapp*, 227 USPQ 972, 973 (B.P.A.I. 1985).

Accordingly, in view of the foregoing, it is respectfully asserted that the prima facie obviousness rejection fails and, accordingly, the combination of the references cited fails to teach or suggest a trading card comprising "a housing unit containing and protecting the data storage unit, wherein the housing unit comprises a serial number identifying the trading card," as recited in independent claim 3.

Accordingly, even if Shetty, Lohtia, and Latva-Aho were combined, a combination thereof would not provide for all the recitations of independent claim 11. In

view of the foregoing, it is respectfully requested that independent claim 11 and related dependent claims 12-13 be allowed.

**CONCLUSION:**

In view of the above, applicant respectfully submits that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art. Applicants further submit that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicants therefore respectfully request that each of claims 1-7 and 9-13 be found allowable and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alicia Choi", is written over a horizontal line.

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